



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In ~~of~~ Application of: Sabb et al.  
Application No.: 10/016,228      Group Art No.: 1624  
Filed: November 2, 2001      Examiner: B. Coleman  
For: Cycloocta[b][1,4]Diazepino[6,7,1-hi]Indoles And Derivatives  
Confirmation No.: 9007  
Customer Number: 25291

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

1. Preliminary Statements

In accordance with 37 CFR 1.97 and 1.98, Applicants submit herewith patents, publications, or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56. This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) the information is material to the examination of this application; (iii) additional information material to the examination of this application does not exist; (iv) the information, protocols, results and the like reported by third parties are accurate or enabling; or (v) the information constitutes prior art to the subject invention.

**CERTIFICATE OF MAILING 37 CFR §1.10**

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EU947815728US addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

December 18, 2003  
Date

Paula L. Dickey  
Paula L. Dickey

12/22/2003 SSANDARA 00000006 10016228

01-FC:1251-110.00 DA  
02-FC:1806 180.00 DA

2. Identification of Time of Filing

This Information Disclosure Statement

- a. ☐ is filed within three months of the filing date of the application.
- b. ☐ is filed before the mailing date of a first Office Action on the merits.
- c. ☐ is filed before the mailing date of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- d. ☒ is filed after the period specified in 2(a), 2(b) or 2(c) above, but before the mailing date of a final action under 37 CFR 1.311. This statement includes a certification under 37 CFR 1.97(e) or the fee set forth in 37 CFR 1.17(p).
- e. ☐ is filed after the mailing date of a final action or Notice of Allowance but before payment of the issue fee. This statement includes (i) a certification under 37 CFR 1.97(e), and (ii) the fee set forth in 37 CFR 1.17(p).

3. ☐ Certification under 37 CFR 1.97(e) and 1.704(d)

The undersigned attorney certifies

- a. ☐ that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or
- b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the statement.
- c. ☐ The undersigned attorney certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign application patent office in a counterpart foreign application and was not received by any individual designated in 37 CFR 1.56(c) more than thirty (30) days prior to the filing of the statement.

☒ Newly Cited Information

A legible copy of the patents, publications or other information cited on the attached form PTO 1449 is enclosed, except that if this patent application was filed or entered the national stage after June 30, 2003, no copy of a U.S. patent or U.S. patent application publication is enclosed.

☐ Previously Cited Information

No copy of the patents, publications or other information cited on the attached form PTO-1449 is enclosed because it has been previously cited by or submitted to the Office in a prior application which is relied upon for an earlier filing date under 35 USC 120.

Prior application is Application Number \_\_\_\_\_, filed on \_\_\_\_\_ of \_\_\_\_\_ for \_\_\_\_\_

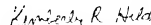
- ☒ Concise Explanation  
Documents cited above which are not in the English Language
- a. ☐ have been explained in the specification.
- b. ☒ have an abstract (or other concise explanation) in English enclosed or if readily available a translation into English of the document is enclosed.

Form PTO-1449 is enclosed in duplicate.

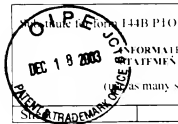
- ☒ Fees
- ☒ Fee for filing under 37 CFR 1.97(c) or (d) Fee: \$180.00

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Instructions as to Overpayment/Underpayment:  
Credit any overpayment and charge any underpayment to Deposit Account No. 01-1425.

  
\_\_\_\_\_  
Kimberly R. Hild  
Attorney for Applicants  
Reg. No. 39,224

Wyeth  
Patent Law Department  
Five Giralda Farms  
Madison, NJ 07940  
Tel. No. (484) 865 8610



MAIL ROOM 144B P10 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		<b>Complete if Known</b> Application Number 10 016,228 Filing Date November 2, 2001 First Named Inventor Sabb et al. Group Art Unit 1624 Examiner Name B. Coleman Attorney Docket Number AM100318	
Sheet	1	of	2

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number (If Known)	Kind Code (If Known)			
	1.	2002 0107242	A1	American Home Products Corp.	08-08-2002	
	2.	5,834,454	A	Sumitomo Pharmaceuticals Co.	11-10-1998	
	3.	2002 0173503	A1	Bristol-Myers Squibb Pharma	11-21-2002	
	4.	3,714,149		The Upjohn Company	01-30-1973	
	5.	3,417,101		American Home Products Corp.	12-17-1968	
	6.	3,329,676		S.C. Bell et al.	07-04-1967	
	7.	5,045,545		Glaxo Group Ltd.	09-03-1991	
	8.	4,997,831		Glaxo Group Ltd.	03-05-1991	
	9.	3,466,274		Rene R. DeRidder	09-09-1969	
	10.	3,335,134		Sandoz Inc.	08-08-1967	
	11.	3,296,252		Sandoz Inc.	01-03-1967	
	12.	3,235,564		G.D. Searle & Co.	02-15-1966	
	13.	2003 0050300	A1	William W. McWhorter Jr.	03-13-2003	

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T
		Office	Number	Kind Code (If Known)				
	14.	WO	96 29316	A1	Wikstrom	09-26-1996		<input type="checkbox"/>
	15.	WO	00/35922	A1	American Home Products Corp.	06-22-2000		
	16.	WO	02 08186	A2	Merck Frosst Canada & Co.	01-31-2002		
	17.	WO	02/42304	A2	Wyeth	05-30-2002		
	18.	WO	02/059124	A2	Bristol-Myers Squibb Co.	08-01-2002		
	19.	JP	10-237073 (U.S. Equiv. 5,834,454)		Sumitomo Pharmaceuticals	09-08-1998		
	20.	WO	00/77002	A1	DuPont Pharmaceuticals Co.	12-21-2000		
	21.	WO	90/15058	A1	The Upjohn Company	12-13-1990		
	22.	WO	02/059129	A2	Bristol-Myers Squibb Co.	08-01-2002		
	23.	WO	99/67219	A1	Elan Pharmaceuticals, Inc.	12-29-1999		
	24.	WO	99/66934	A1	Elan Pharmaceuticals, Inc.	12-29-1999		
	25.	SU	930902		S. Ordzhonikidze	11-19-1982		
	26.	WO	00/64899	A1	Pharmacia & Upjohn Co.	11-02-2000		
	27.	WO	97/31000	A1	Chiroscience Ltd.	08-28-1997		
	28.	EP	0357417	A1	Glaxo Group Ltd.	03-07-1990		
	29.	EP	0344015	A2	Glaxo Group Ltd.	11-29-1989		
	30.	WO	01/12603	A1	Vernalis Research Ltd.	02-22-2001		
	31.	WO	02/36596	A2	Wyeth	05-10-2002		
	32.	WO	02/42304	A2	Wyeth	05-30-2002		
	33.	WO	97/30999	A1	Chiroscience Ltd.	08-28-1997		

### OTHER PRIOR ART — NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and country where published	T
	34.	P.J. COWEN et al., <i>Nature</i> 376, 557 (August 1995).	<input type="checkbox"/>
	35.	A.J. ROBICHAUD et al., <i>Annual Reports in Medicinal Chemistry</i> , 35, 11-20 (2000).	
	36.	D. HOYER et al., <i>Pharmacology &amp; Experimental Therapeutics</i> 46(2), 157-203 (1994).	

Examiner Signature	Date Considered
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\* EXAMINER Initial of reference considered whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Submission for form 144B PTO

**Complete if Known**

Application Number	10 016,228
Filing Date	November 2, 2001
First Named Inventor	Sabb et al.
Group Art Unit	1624
Examiner Name	B. Coleman
Attorney Docket Number	AM100318

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary.)

Sheet 2 of 2

**OTHER PRIOR ART — NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS); title of the article (when appropriate); title of the item (book, magazine, journal, serial, symposium, catalog, etc.); date, page(s), volume/issue number(s), publisher, city and/or country where published	T
	37.	L. TECOTT et al., Nature, 374, 542-546 (April 1995).	
	38.	D.H. KIM, J. Heterocycl. Chem., 12, 1323-1324 (December 1975).	
	39.	M.J. BISHOP et al., Expert Opin. Ther. Patents, 13(11), 1691-1705 (2003).	
	40.	SHUNJI NARUTO et al., Tetrahedron Letters, 39, 3399-3402 (1975).	
	41.	A.N. GRINEV et al., Chem. Heterocycl. Compd., 19(9), 959-961 (1983).	<input type="checkbox"/>
	42.	A.N. GRINEV et al., Chem. Heterocycl. Compd., 19(12), 1312-1315 (1983).	
	43.	E.V. LAMANOVA et al., Pharm. Chem., J., 23(2), 113-115 (1989).	
	44.	D.H. KIM et al., Journal of Medicinal Chemistry, 20(2), 209-212 (1977).	
	45.	L. TOSCANO et al., J. Heterocyclic Chem., 13, 475-480 (1976).	
	46.	A. KATRITZKY et al., Synthesis, 10, 1487-1490 (1998).	
	47.	F. GATTA et al., Edizione Scientifica, 30(8), 631-641 (1975).	
	48.	W. LOPES et al., Journal of Brazilian Chemical Society, 4(1), 34-39 (1993).	

Examiner Signature	Date Considered
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\*EXAMINER: Initial of reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.